



## Access Management Challenges

 Paper

### 23A. Livable Communities

 Other

*Moderator: Del Huntington, Oregon DOT  
Mike Burrill, Burrill Resources, Inc.  
Bill Lennertz, Lennertz, Cole & Associates  
Gary Sokolow, Florida DOT  
Dane Ismart, Louis Berger & Associates*

 Paper

### 23B. 10 Top Things You Hear At A Public Hearing and How To Respond

 Slides

*David Gwynn, TEI Engineers & Planners*

The list of questions in each of your areas is lengthy. Please select the major questions that address what you want to cover in the 10 minutes allowed for each panelist. Also consider how you can work the questions you don't address in your 10-minute talk into your five-minute Q&A or the 30 minutes of dialogue.

Please review the list of questions for other panel members to ensure continuity and avoid duplication.

**Del Huntington:** Introduction of panel members.

**Sam Imperati:** Designing the convening, roles, responsibilities, and procedures for the process.

- How was the assessment made? Within the agency? With other stakeholders?
- What did you learn from the assessment that helped in planning and organizing the process?
- What, if any, preparation or orientation to consensus decision making did the participants have?
- What about ground rules? Were there any especially important provisions? Any you would have added in hindsight?
- What role did information lay in the process? How was information used?
- How would you describe the stages of this process?
- What were the difficult issues? How were they managed?
- What were the options for addressing the issues developed by the group?
- What mechanisms were set up to keep constituencies informed and provide their feedback as the process proceeded?
- What kinds of linkages were created to the formal decision-making process?

**Craig Greenleaf:** Selecting and convening the process and implementing the committee's product.

- What led to the ODOT selecting a collaborative process?
- What was the agency's mandate?
- Why did you think this process could be of assistance?
- What were you hoping to get out of a consensus process?
- Was the agency leadership supportive?
- What would you say to other state departments of transportation about the key features of a consensus process?
- What do you see as the advantages of this kind of process? The disadvantages?
- What did the process deliver? Did it meet your expectations? What were the highlights?
- How did you prepare for the process?
- What kinds of resources were needed to conduct the process?

- What kinds of linkages needed to be created between these informal processes and the formal decision making processes?
- What has been done to lay the groundwork for implementing the outcome of the decision?

**Mark Whitlow:** Participation of "big box" developers - the reasons and motives.

- What led you to participate in the process?
- How did you prepare? What kind of help, if any, do you think would be useful when preparing future endeavors like this?
- How did you communicate with your constituency during the process?
- What did the process deliver from your perspective? Did it meet your expectations? What were the highlights?
- How will you play a role in the adoption and implementation of the agreement?

**Lynn Peterson:** Negotiating your interest and not selling out.

- What led you to participate in the process?
- How did you prepare? What kind of help, if any, do you think would be useful in preparing future endeavors like this?
- How did you keep up communications with your constituency during the process?
- What did the process deliver from your perspective? Did it meet your expectations? What were the highlights?
- How will you play a role in the adoption and implementation of the agreement?

**Dialogue:** Thirty minute dialogue with the audience to address their questions.

**Access Management Process Abstract**  
**Fourth National Conference on Access Management**  
**Portland Oregon**  
**August 13 – 16 2000**

Over the past several years the importance and prominence of access management as an issue and as a management tool have risen. The Oregon Department of Transportation (ODOT) is spending increasing time and energy to provide a sound forum for the resolution of some of the major issues and conflicts surrounding access management.

Along with the external dissention regarding access management decisions, there are internal philosophical differences and misunderstandings around how ODOT can best address access management decisions.

To address this issue in a pro-active manner, ODOT initiated a collaborative negotiated rule-making process to advise the department on how to implement its access management policies. To assist with this effort, the ODOT Director appointed an Access Management Advisory Committee (AMAC) consisting of representatives from 16 interest groups all with diverse opinions regarding access management. The interest groups represented are: cities and counties; developers; citizen interests; business; property owners; land use and economic development agencies; freight representatives; retailer and big box developers; alternative modes of transportation; environmental; and safety. Although ODOT is not a voting member of AMAC, the process allows the department to make substantive language suggestions on relevant decision points.

In addition, ODOT has convened an internal Access Management Advisory Group (AMAG). AMAG representation includes ODOT's senior management involved in the access management program. The charge of this committee is to develop draft rule language and to review and comment on recommendations developed by the AMAC. AMAG is an advisory committee to the Department's Deputy Director of the Transportation Development Division and ODOT's AMAC representative.

The collaborative process is designed to improve communication, obtain public input, and explore balanced, practical solutions to the implementation of access management policies.

A single text process is being used to draft recommendations for Administrative Rules. Single text process is a discussion model, which provides an opportunity for many parties to draft a single document, or discussion draft that reflects their interests. The discussion draft being developed by the committee reflects the consensus or majority recommendations of the members. The process allows committee members to evaluate an existing draft and propose changes to satisfy the concerns of AMAC members.

The collaborative process between ODOT and its stakeholders will be completed in May 1999. This process is helping to restore the credibility and lack of trust that exists between ODOT and some of its stakeholders that occurs because access management is such an emotional issue. In addition, the process provides the department with useful tools for implementing its access management policies. The process is expected to create Administrative Rules, a revised Highway Design Manual, and/or a Desk Manual — all of which will be used to implement ODOT's access management policies as defined in the department's 1999 Oregon Highway Plan.

## **PUBLIC INFORMATION MEETINGS FOR ACCESS MANAGEMENT PROJECTS**

### **THE DISTRICT FIVE EXPERIENCE PRESENTATION OUTLINE**

**David W. Gwynn, Jr., P.E.  
TEI Engineers & Planners**

The main focus of this presentation will be to discuss several items which were learned during the past few years in District Five in regards to Median Opening Modifications and the conveyance of the proposed changes to the general public. District Five has taken a very active role in promoting public involvement in the access management decision making process.

Over the past four years I have been working with Mr. Jim Wood and the District Five Traffic Operations staff on a project entitled "District-wide Median Evaluation and Public Involvement." There were several objectives of the project:

1. To study several recently completed projects which significantly changed the location and frequency of median openings. The study was geared to determine what, if any, traffic operations improvements were attained by implementation of the project.
2. To determine the opinions of several specific groups regarding these projects. These groups included the general motoring public, local business owners, and law enforcement agencies.
3. To develop handouts and audio-visual aids to convey the purpose of the Department's access management guidelines to the general public.
4. To prepare for and conduct public information meetings for access management projects on behalf of the Department.

I will briefly overview the first three objectives of the project and focus the majority of the presentation on the fourth objective.

#### **Objective # 1 - Study of Recently Completed Projects**

The study was performed on five projects in Winter Park, Daytona Beach, Merritt Island, and Casselberry. Each project included the installation of a much more restrictive median treatment. Some of the projects also included other capacity enhancements such as turn lanes, additional travel lanes, and signal upgrades. The studies showed that there were significant and quantifiable improvements as a result, at least in part, of the more restrictive median treatments.

These improvements include:

- ▶ Although the number of median openings decreased, and the amount of turning traffic increased at the remaining openings, the frequency of collisions at the remaining openings did not increase.
- ▶ Total number of collisions decreased.
- ▶ Average travel speeds increased.
- ▶ Side-street delay increased at some locations.
- ▶ Signalized intersections had to be looked at to see if existing timings could handle increased U-turn volumes.

## **Objective #2 - Surveys of Specific Groups**

Usually the people who show up at public information meetings are not a good representation of the general public. For the most part, people will not attend the meeting unless they are worried that they will be adversely impacted and will not make public comment or fill out a comment card unless they are very concerned that they will be negatively impacted. Unfortunately, the general road users and non-affected business owners and residents are not willing to give up their limited time to attend these meetings. Therefore, we attempted to solicit these peoples input and opinions by using mail-out surveys, handouts along the roadways, and general discussions with business owners, law enforcement agencies, and local residents. The general results of the surveys are as follows:

### **Driver Surveys**

- ▶ 800 mail back surveys were distributed and 23% were returned.
- ▶ 73% noted an origin or destination adjacent to the roadway section which was modified.
- ▶ 88% were familiar with the changes.
- ▶ 78% believed the roadway was safer as a result of the changes.
- ▶ 82% favored the changes.
- ▶ 57% did not feel inconvenienced having to make U-turns.
- ▶ U-turns were overwhelmingly not a major decision in selecting business patronage.

### **Business Owner Surveys**

- ▶ 500 mail back surveys distributed. 0 46% returned.
- ▶ 86% had been in business at the same location prior to the change in median treatments.
- ▶ 64% had no impacts from the changes.
- ▶ 91 % made no changes to the way they did business.
- ▶ 59% had no problems with the changes.
- ▶ 57% reported an increase or stability in their business volumes.

### **Objective # 3 - Handouts and Audio-Visual Aids**

One of the major objectives of the project was to develop materials which could be used as handouts and presentation materials for use at Public Information Meetings. These materials included the following:

- ▶ A fifteen minute professionally produced videotape entitled "Managing Our Highways." The video explains, in layman's terms, why the Department has adopted access management guidelines. The video goes into detail about the problems associated with poor access management as well as the benefits associated with good access management. The video has been well received by both technical people as well as the general public.
- ▶ A generic handout which summarizes the goals and objectives of the access management guidelines.
- ▶ Project specific handouts explaining the access management strategy being proposed for the affected roadway.
- ▶ Presentation boards prepared using aerial photography showing the proposed and existing access management. The aerial based boards have been very well received by the public as they can easily point out their property as well as show problems which they have concerns about. The aerials are also very useful to the technical staff as they can illustrate alternate routes, discuss the rationale behind various access management strategies, and understand the concerns of the public easier.

### **Objective # 4 - Conduct Public Information Meetings**

Public Information Meetings have been conducted on numerous projects throughout District Five. David Gwynn and Jim Wood have conducted the majority of these meetings along with other FDOT and TEI staff. These meetings have been attended by as few as 5 to 10 people and as many as 900 people. The attendance at these meetings is highly dependent upon the level of controversy associated with the project as well as the effectiveness of publicizing the meeting. As was stated earlier, the majority of people who attend these meetings are there because they are worried about what FDOT is going to do to "their road and how it will impact them directly. It will be impossible to make everyone happy, because there will always be people who do not want change and will disagree with anything that will affect their access. However, there are certain lessons we have learned from conducting these meetings which can improve relations with the public and avoid valid criticism. These lessons will also allow us to better serve the public and avoid making mistakes which are caused by the use of incomplete information, inadequate analysis, ignorance of site specific conditions or events or a simple oversight. By avoiding these common mistakes, we can hopefully avoid being labeled as sloppy, arbitrary, or incompetent, all of which are instant credibility killers.

I have compiled a "Top Ten" list of the most common complaints heard from the public at Access Management Public Information Meetings. Along with these ten complaints I have included some strategies we have used to avoid these complaints as much as possible.

**Complaint # 10 - I don't understand why you are doing this to me.**

One thing I have discovered at these meetings is that many people take median opening closures very personally. Often the opening is referred to as "mine" or "ours." Although they are not implying that they physically own the openings, many feel as if they have a permanent right of access through them. In fact, many property owners may have at one time participated in the funding to build the opening. We have to be careful not to be defensive, and also hear the people out. They are directing their anger at us, but their true feelings are of fear and frustration. We have found the following strategies helpful - in handling these situations.

- ▶ Assure the person that a final decision has not been made and that you are interested in what they have to say. Often this will calm the person down.
- ▶ Listen to the person and ask sufficient questions to determine their real concern.
- ▶ Explain the reason that the median opening they are concerned about is being considered for closure or modification.
- ▶ Brief the person on alternate routes to and from their property/place of business.

Although you may not be able to make the person happy, at least you might be able to convince them that they are not being singled out and that a great deal of thought was put into the decisions which were made.

**Complaint #9 - No one can show me how you came to your final decision.**

This is a common complaint. Many times a member of the public will want to see what analysis was done to justify recommending a median opening for closure or modification. This includes traffic volumes, collision data, alternate routes, etc. The following items have proven invaluable in such situations:

- ▶ Ensure that someone has copies of all documentation prepared for the project. Additionally, a summary of the rationale behind how each median opening was analyzed should be readily available.
- ▶ Be prepared to show existing traffic volumes and collision data. Also be prepared to show how the traffic will be rerouted after construction.
- ▶ Offer to send the person copies of the traffic volume and collision data if they would like.



### **Complaint # 8 - The U-turns will cause a safety problem.**

Many people, especially the elderly, believe that increasing the number of U-turns will increase collision frequency. In general this is not true, however the following items may help to address this complaint:

- ▶ Studies have shown that reducing the number of conflicts along a roadway results in a decrease in angle and left turn collisions. The amount of the reduction is highly dependent upon specific site conditions. However, in general the increase in U-turns will not increase the number of accidents at the location the U-turns will be rerouted through, and will significantly reduce the collision frequency at the openings being closed.
- ▶ Ensure that there are no problems associated with U-turns. This includes addressing the conflicts between U-turns and right turns from the side street, provisions for commercial and oversized vehicles, and any other site specific concerns.
- ▶ Review the existing collision data with the person. Often the median opening strategy is designed, at least in part, to eliminate high collision locations.
- ▶ Talk to local law enforcement agencies about any known safety problems. These folks work the accidents and often times are the most knowledgeable persons in regards to safety conditions. They may also be able to help you determine if you have all the accident data or if you are missing some.

### **Complaint # 7 - You will be impacting thousands of people!**

Most people do not have a good idea of what 100 vehicles per hour looks like, as opposed to 1000 vehicles per hour. Unless they live or work right at the intersection, they only see traffic on the roadway once or twice a day. Therefore, it is important to illustrate to them the amount of traffic that will be affected based on actual traffic counts.

- ▶ Have traffic volumes ready to show the public. These traffic volumes should include the AM and PM peak hours, and preferably include the midday peak or other non-traditional site specific peaks if possible. This will allow the person to get a good handle on the actual amount of traffic being impacted.
- ▶ Follow the rerouted traffic through the network to ensure that the shift of traffic does not create more problems.
- ▶ Use other locations to provide a reference as to the amount of traffic being impacted. Usually the locations being closed or modified serve less traffic than those which will be left open.

### **Complaint # 6 - What about the new Wal-Mart?**

Wal-Mart is used here as an example. But since they seem to be going up everywhere, and everyone

knows when they are coming, it is a good example. We have to realize that for the most part, local business owners and residents know a lot more about their community than we do. However, we need to try and obtain as much information as possible prior to developing recommendations and presenting them to the public. It is quite embarrassing to present a plan and then be informed that a major development is coming soon and the plan did not consider it.

Some things that can be done are:

- ▶ Ensure that all local planning agencies are contacted to determine if any planned developments are known within the study area. If so, integrate this development into the Access Management Plan.
- ▶ Always investigate claims of future development. Many times an "impending development" is actually something which is anything but impending. Some people will claim that a development is approved and will be built soon when in fact there is no basis to the claim other than rumor.
- ▶ Try and encourage cross-access agreements. Sometimes property owners are willing to consider cross access agreements if it will enable them to get a median opening. This often is a "win-win" situation for the landowner, the FDOT, and the public.

### **Complaint # 5 - What about Trucks?**

One of the legitimate concerns of local businesses is the ability of delivery vehicles to access their property. Many buildings are designed specifically to accommodate trucks entering from a specific access point. Others may require unusually large or wide vehicle access, sometimes only once a month or so. Rerouting trucks due to the modification of a median opening requires special analysis to ensure that you do not unreasonably restrict trucks from accessing a business.

- ▶ One of the most important things to do in this regard is to talk to the business owners along the road. This includes both businesses along the frontage of the road as well as those on the side-streets. You must think about how trucks would access the site for any proposed median plan.
- ▶ Then you must drive that route and look for any problems which a truck might have in maneuvering that route.
- ▶ Determine any internal circulation problems which may occur. Some may be easily addressed when others may require structural or other expensive modifications to the site. The objective is to try and accommodate the land owners existing business operations as much as possible.
- ▶ Be prepared to discuss how trucks will access all affected sites.

#### **Complaint # 4 - A Fatal Flaw was not considered.**

Sometimes a fatal flaw is not uncovered until too late. The flaw can take many forms. The key is to research as much as possible before laying out a plan. It is quite embarrassing to have a member of the public point out a fatal flaw which should have been known. A good example is not being aware of other road improvement projects in the study area which will need to be accommodated in the plan.

Some ways to attempt to avoid a fatal flaw are:

- ▶ Talk to all local agencies to see if there are any upcoming projects in the study area.
- ▶ Talk to local residents and business owners. They often can provide valuable information.
- ▶ Ask the question, "Is there anything I need to know before I start developing my plan?" when talking to agency staff and other involved parties.

#### **Complaint # 3 - You really don't care what I have to say!**

This is a very common complaint and can be credited to a combination of people's general distrust for the government, and perhaps past experience with FDOT and other agencies before the current emphasis on public involvement was established. Although many of these people will not believe anything you say, there are some things that can be used to help convince these people that we indeed do care what they have to say.

- ▶ The most important thing you can do is to let the person know that the median opening strategy is not final. Encourage them to make comments, both verbally and preferably in writing, for consideration by the Department staff.
- ▶ Listen well. Do not interrupt people. If someone becomes long winded, try and convince them to restate the problem and then let you respond. We want to avoid the impression that we already have our minds made up -- which is what many of them think.
- ▶ After the meeting, carefully review the input from the public and make changes as necessary. Make sure that each comment is thoroughly discussed and resolved.
- ▶ Send a personalized letter to each person who submitted a written comment. The letter should thank them for their input and also provide an explanation of the resolution of their comments. Although this is time consuming, it is received much better than a form letter.
- ▶ Do not argue with people. Explain the Department's position and guidelines, but don't allow yourself to get pulled into an argument. If the person is aggressive or offensive, thank him for his comments and tell them you must go help other people.

- ▶ Under no circumstances give the Median Opening Spacing distances included in 14-97 as the reason a median opening was placed where it was. These spacings should be portrayed as guidelines which are modified as necessary for specific site conditions. Strict adherence to the formal spacings will tend to reinforce some people's belief that the FDOT is either inflexible or already has their mind made up and is at the meeting merely as a formality..

### **Compliant # 2 - I wasn't notified of the meetings.**

This is a common complaint, although not always a valid complaint. However, there are many things we can and need to do which will help provide notice to as many people as possible. Many people fear that the government is trying to "sneak something past them" by not notifying everyone.

- ▶ The media can be a useful tool. Most newspapers are receptive to running articles announcing the meetings. The articles for our meetings have ranged from one paragraph in the local section to front page articles, depending on the level of controversy associated with the project.
- ▶ Fliers for the meeting should be distributed in a number of ways. For very small projects, the fliers can be distributed to homes and businesses along the road and affected sidestreets. The fliers should clearly describe the time, date, location, and purpose of the meeting. This will ensure that all of the directly affected properties are notified.
- ▶ For larger projects, fliers should be mailed out in addition to handed out. The mail out should be to the entire affected area, while the hand delivered fliers should be distributed along the frontage of the road. This will help ensure that both property owners and tenants are notified. Many times, especially with commercial property, the property owner is not located at the site.
- ▶ Radio stations and television stations generally do not announce the meetings, but for highly controversial or very large projects they may be receptive to announcing or even covering the meeting.
- ▶ By a combination of field visits, review of aerials, and discussions with local agencies, try and determine any neighborhoods, major employers, or others who may be interested and/or impacted by the project. Sometimes these groups are not immediately identified. Then ensure that these groups are notified.
- ▶ Keep a list of the people who were mailed fliers. Check the name of anyone who states that they were not notified against the list and add their name if it is not on the list. Apologize to the person if they were overlooked and ensure them that they are now on the list.

### **Complaint # I - You are going to put me out of business!**

This is by far the most common and passionate complaint. Most small business owners pour their life saving into their business. It is their source of income and security for the future. Therefore, they are very protective of their businesses and are afraid of anything which they view as a threat to the viability of their business. Although it is very difficult to persuade these folks that closing a median opening will not significantly impact their business, the following points could be used to try and calm their fears:

- ▶ Our surveys have shown that median opening modifications had little or no affect on the selections drivers make when doing business. Most drivers are willing to make U-turns to access a business that they have used in the past.
- ▶ The most heavily affected businesses are convenience-type stores (gas stations, fast food, etc.). However, the median changes do not impact the demand for these items. In fact, some businesses may actually be positively impacted in these cases. While the store may become slightly less attractive to some motorists, it win likely be more attractive to others.
- ▶ Many motorists avoid businesses where the access is perceived as unsafe. This often occurs along roadways with poor access management and numerous conflicts. Motorists may be more attracted to a sight with less conflicts at its access points.
- ▶ Our before and after surveys of business owners found that most business owners were not negatively impacted, and in fact, most said that it was not nearly as bad as they had thought it would be.
- ▶ Most motorists surveyed stated that they liked the median changes and that the changes did not change their shopping habits.
- ▶ Service industry offices (Doctors, Lawyers, Accountants, etc.) and specialty stores are not generally impacted as their patrons tend to have an allegiance with the owner or service provider.

These pointers to dealing with the ten most common complaints about access management should help us provide better service to our clients, the citizens of Florida.